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REGION 2 NEWS

[NJ Joins Court Fight to Stop Trump Administration from Weakening Wildlife Protections](#) (NJ SPOTLIGHT; September 26, 2019)

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[High lead levels in NJ school water add to need for action, Murphy and lawmakers say](#) (ASBURY PARK PRESS; September 26, 2019)

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[Nothing can stop PFAS. Except maybe this microbe from the NJ swamplands.](#) (BURLINGTON COUNTY TIMES; September 26, 2019)

PFAS chemicals are contaminating communities in New Jersey, Pennsylvania, and across the country. Could a microbe from a New Jersey wetland be the thing to stop it?

[Unexpectedly modest Karen still sets rainfall record on St. Thomas](#) (VIRGIN ISLANDS DAILY NEWS; September 26, 2019)

King Airport on St. Thomas measured a record-breaking single-day rainfall total Tuesday, but Tropical Storm Karen still brought far less precipitation than had been forecast.

Will acid rain return to Adirondacks? (ALBANY TIMES-UNION; September 25, 2019)

Is acid rain returning to the Adirondacks? Environmentalists say that's a possibility in light of an Environmental Protection Agency denial this week of a petition by New York state to crack down on coal plant emissions in the Midwest.

Tropical Storm Karen floods streets across Puerto Rico (CARIBBEAN BUSINESS; September 25, 2019)

Tropical Storm Karen was expected to produce additional rainfall Wednesday in Puerto Rico, where the system left roads across the island flooded Tuesday.

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Food waste reduction advocates pitch financial benefit to boost efforts

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REGION 2

NJ SPOTLIGHT

NJ Joins Court Fight to Stop Trump Administration from Weakening Wildlife Protections

By Tom Johnson

September 26, 2019

For the second time in a week, New Jersey is joining with other states to challenge the Trump administration's latest rollback of environmental protections — this time in a lawsuit challenging new rules concerning the protection of threatened and endangered species.

In this instance, the states, in an action filed in the U.S. District Court in California, are contesting new rules adopted by the Fish and Wildlife Service and National Marine Fisheries Service that make it easier for regulators to remove a species from the endangered list and weaken protections for threatened wildlife.

In New Jersey, at least 14 threatened and endangered species occur in the state, including the piping plover, red knot and bog turtle, designated this year as the official state reptile. The state also expends considerable resources protecting habitat, including for the federally-listed red knot, a shorebird that — on its way to annual nesting grounds in the Arctic — stops over in the Cape May peninsula every spring to feed on horseshoe crab eggs. At one time, New Jersey had only one nesting pair of bald eagles. Today, it has more than 150 nesting pairs.

The changes, critics said, allow officials to consider economic factors — and disallow the effects of climate change — when making key decisions about whether and how to protect a species.

"The Endangered Species Act is quite clear about the need to protect threatened and endangered wildlife, but the administration's rules undermine the promise at every turn, opening the door to mining and drilling in long protected areas," said state Attorney General Gurbir Grewal.

Targeting the Endangered Species Act

The act, long a target of conservatives and the Western U.S., has been credited with saving numerous species, including the bald eagle, which has made impressive comebacks even in an urban state like New Jersey, and the grizzly bear and California condor.

With respect to the ESA, the lawsuit highlights that the Supreme Court has already held that the statute ensures science — rather than costs considerations — will drive decision-making," the attorney general said.

The lawsuit joins another initiated by Earth Justice on behalf of a range of environmental organizations, including the Sierra Club, Natural Resources Defense Council, Natural Parks Conservation Association, and Humane Society of America.

Jeff Tittel, director of the New Jersey Sierra Club, said the new rules close the door on public input. "It is especially important for New Jersey because we use the ESA as a critical tool to protect threatened and endangered habitats and prevent developments from destroying our environment."

Last week, the attorney general joined a lawsuit challenging the Trump administration's repeal of a waiver that allowed California to implement more stringent auto emission standards than the federal government.

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BUFFALO NEWS

'A jewel in the wetlands of the U.S.': Niagara River earns world recognition

By Thomas J. Prohaska

September 26, 2019

The Niagara River, long appreciated on both sides of the U.S.-Canadian border, will soon receive global recognition as an environmental treasure.

Next week, the U.S. side of the river will be designated a wetland of international importance under the Ramsar Convention, an intergovernmental treaty for protection of exemplary wetland systems around the world. The Niagara River will become the 40th Ramsar site in the U.S., joining Everglades National Park in Florida, Chesapeake Bay Estuary in Virginia and San Francisco Bay among others.

"It's an honor," said Jajeen Rose, deputy executive director of the Western New York Land Conservancy. "It says, 'For us, the Niagara River is one of the most important natural places in the entire world.'"

There are more than 2,300 sites on the worldwide Ramsar list, which includes lakes, rivers and waterfalls. Ramsar is the Iranian city where an international convention on wetlands protection was signed in 1971.

The nomination succeeded because of the river's heavy concentration of diverse species of birds, fish and plants in addition to the world-famous waterfalls.

Each nation chooses its own Ramsar sites. The U.S. Fish and Wildlife Service makes the American choices.

"I feel that Niagara truly is a jewel in the wetlands of the United States," said Cade M. London, the agency's policy adviser for international affairs. "I cannot imagine a site more splendid and grand than the Niagara River. It really is special."

"The entire point of what we've been trying to do is to change people's perception of the Niagara River," Rose said. "We're a Rust Belt community, but at the same time we have this incredible natural wonder in our backyard."



The lower Niagara River winds north toward Lake Ontario. (Derek Gee/Buffalo News)

No added regulations

A Ramsar listing doesn't provide any funding nor add any environmental regulations beyond what the host country already imposes.

"It doesn't come with any municipal requirements, and therefore, local governments are not afraid of it," said Lynda Schneckloth, an emeritus professor of architecture and planning at the University at Buffalo, who worked on the Ramsar project for years.

The environmental regulations over the past half-century by the federal and state governments help explain why the Niagara River qualified for the designation.

Ramsar sites have to meet at least one of nine criteria. The Niagara River meets eight of the nine, and all of them pertain to biological diversity, Rose said.

"We've got huge congregations of waterfowl and gulls, we've got endangered, protected species, lots of indigenous native fish," Rose said.

The Niagara River "supports at least 338 species of birds, 100 species of fish, 31 species of mammals, 11 species of reptiles, 13 species of amphibians, 12 species of mussels, and 231 species of plants," according to its application for the designation.

Another criterion: The site must support at least 20,000 waterbirds. A 2014 Canadian report estimated 120,000 at the river on a single day.

It might have been harder to meet the criteria if not for decades of cleanup efforts.

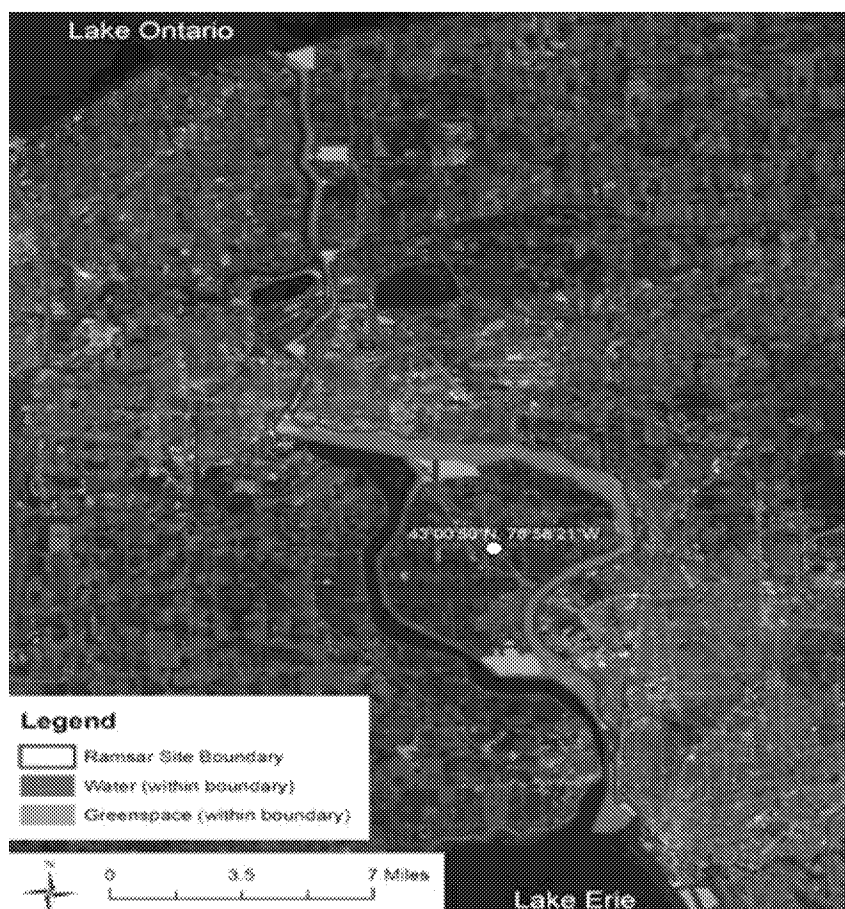
"In a lot of ways, this is a celebration of the rebound of the river," Rose said. "Fifty years ago, 100 years ago, the river was much more polluted and contaminated. It's not perfect by any means now, but it's much better, much healthier than it has been in generations."

"I think that's actually one of the reasons we qualify for the designation," Schneekloth said.

Earning a spot on the list

Work on adding the river to the Ramsar list began as far back as 2001 among local activists, who actually had something else in mind at first.

"We had been looking at an international peace park for the cross-border Niagara region," recalled Mitchell, a retired American employee of the former Canadian consulate in Buffalo.



The map showing the boundaries of the Ramsar designation area along the Niagara River. (Courtesy U.S. Fish and Wildlife Service)

The peace park notion never came to fruition.

"People didn't like it because there were some regulations that came with it in terms of how you could manage it," Schneekloth recalled.

But the years of research led some of the activists involved to think of Ramsar.

"It was right at the moment where, with the bicentennial commemorations of the War of 1812, we were looking for legacy projects," Mitchell said. "It was an idea that started to form right at that time."

The first exploratory meeting on a Ramsar designation for the river was held in 2013 at Brock University in St. Catharines, Ont. Canadians are working on a Ramsar designation for their side of the river.

Mitchell credited Schneekloth for driving the project forward. "She raised this whole possibility," Mitchell said.

Starting in 2013, University at Buffalo law school professor Kim D. Connolly coached 12 semesters' worth of law students through work on the Ramsar application package, which was submitted in February.

Connolly said the Law School's Environmental Advocacy Clinic, which she directs, served as legal counsel to the local Ramsar steering committee.

"The students under the supervision of Professor Connolly were really the lawyers here," said Ryan McPherson, UB's chief sustainability officer. "They were the ones who prepped it, did all the research, really did the grunt work."

"The U.S. Fish and Wildlife Service has identified this as the most complex (Ramsar) submission that the United States has ever had," Connolly said.

A large poster that detailed the years of law students' work on the project won an academic award at UB in 2018.

In the U.S., every property owner in a wetland must agree with a Ramsar designation. In the case of the Niagara River, which is not privately owned, government approval was considered sufficient. More than 20 municipalities bordering on the river from Buffalo to Youngstown were asked to support the application.



Strawberry Island in the Niagara River, Friday, Aug. 23, 2019. (Derek Gee/Buffalo News)

A tourist draw

Local tourism promoters have been trying to make the case for years that the American side of Niagara Falls is the "greener" side.

A Ramsar designation is a boost, said Andrea Czopp, vice president of operations at Destination Niagara USA, Niagara Falls' tourism promotion agency.

"We've done a lot with the brand at Niagara Falls USA over the last couple of years to really set ourselves apart from the Canadian side as being the more natural side, the more active outdoor adventure side," Czopp said.

A 2017 study by the Ramsar Convention Secretariat, based in Switzerland, found that 73% of Ramsar sites worldwide have developed tourism or recreation services.

"This designation will help put the Buffalo Niagara region on the map for ecologically minded tourists seeking out natural wonders," Visit Buffalo Niagara President and CEO Patrick Kaler said. "Global recognition can only boost our efforts to promote all there is to see and do along the Niagara River."

"We're expanding the opportunities for ecotourism as well as the awareness of the really extraordinary environmental asset that we have throughout the Great Lakes as well as in our neck of the woods, where we have two lakes, a river and a mighty waterfall," Mitchell said.

"There are a lot of people that do seek out these Ramsar sites because it is such a prestigious designation, basically recognizing that we have a rare and unique habitat for biological diversity," Czopp said. "Birders especially seek out Ramsar sites as travel destinations, and birding is already a large part of what we do as far as our outdoor marketing and promotion efforts."

The Ramsar designation will be mentioned in future tourist publications and online. "This is going to be a good opportunity for us to stand out as a place that isn't just water falling over a cliff, but a significantly diverse wildlife habitat," Czopp said.

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BUFFALO NEWS

[Another Voice: Superfund program is best option for Tonawanda Coke site](#)

By Rebecca Newberry, George Harrigan and Gary Swain

September 26, 2019

The Tonawanda Coke site was sold this week. For decades, Tonawanda Coke was responsible for spewing carcinogens into our air, waste into our water, toxins into the soil, and for the deaths of employees.

This contamination did not start with Tonawanda Coke. Honeywell, formally Allied Chemical, sold the site in the 1970s. Honeywell remains responsible for the site today, unless New York State allows them to walk.

In the spring, Honeywell hired e3communications, who relentlessly lobbied elected officials to push for a state brownfield designation, which would allow a developer to voluntarily remediate an inactive site, and be rewarded with tax credits to lessen the cost.

Honeywell joined forces with developer Jon Williams. Residents of Buffalo's Delavan Grider neighborhood are familiar with Williams, who owns the former American Axle site. The site has leaked PCBs into the City of Buffalo's sewer system for years, until community pressure resulted in a remedial measure executed by the state earlier this year.

Williams has now purchased Tonawanda Coke and intends to apply for brownfields tax credits to remediate the site. If Williams is granted this designation, Honeywell avoids enforcement action and cost recovery, there is no mandate for workers to make prevailing wage, and Williams is rewarded with tax credits to cover costs.

Let's be clear who's getting rich here. Or should we say, staying rich?

Honeywell CEO Darius Adamczyk's 2018 total compensation was \$19,246,604. It would take the average worker in Erie County 8.5 lifetimes to earn what Adamczyk earns in one year.

We deserve better. And there is a simple solution: the federal Superfund program, which is a robust enforcement program designed to remediate large, extremely toxic sites.

Superfund gives the Environmental Protection Agency the authority to remediate and pay for the cleanup through recovered costs from the polluter, Honeywell.

Superfund, unlike Brownfield, guarantees that workers are paid a prevailing wage, and creates more jobs. Research shows that enforcement remediation programs create twice the jobs than thorough voluntary initiatives.

We need Department of Environmental Conservation Commissioner Basil Seggos to listen to the regular people that work, live and die here, not billionaires, and refer the Tonawanda Coke site to the federal Superfund program.

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NORTH JERSEY RECORD

[Here's the big reason NJ can't fix the lead pollution: debt](#)

By Charles Stile

September 26, 2019

In theory, New Jersey could raise the cash and just replace aging lead-lined pipes so that an estimated 250,000 schoolchildren aren't in danger of drinking poisoned water.

But the state can't, because it has an enormous problem: It needs to first pay off loan sharks in Brooks Brothers suits, namely Wall Street.

New Jersey is up to its neck in debt, or, to put it in the parlance that Wall Street understands, it's over-leveraged. Its debt, nearly \$45 billion, is an enormous drag on state finances, its reputation and its ability to respond to emergencies.

The recent lead water crisis in parts of Newark and Wednesday's report by the USA TODAY NETWORK New Jersey [showing that nearly a third of all public schools reported dangerously high levels of lead in their drinking water](#) serve as a stark reminder of how far New Jersey, this once robust and prosperous powerhouse of the Northeast, has fallen.

New Jersey, which once boasted a gold-plated, triple-A bond rating, now has the second-worst in the nation. New Jersey's total debt was more than triple that of the value of the state's assets, a 314 percent ratio, the worst in the nation, according to a 2017 report by the Mercatus Center at George Mason University.

This didn't happen overnight. It's the accumulation of more than two decades of reckless, live-for-the-moment decisions. Past legislatures and governors, eager to squirm out of politically touchy situations, seized on quick cash grabs that foisted off the consequences onto the future. And the future has finally arrived.

"The thinking has been, 'Hey, if it's not creating a problem next week, let's go ahead and take the action. Nobody will pounce on us,' " said Gordon MacInnes, a former legislator and past president of New Jersey Policy Perspective, a liberal think tank that has [raised the alarm](#) on past spending decisions. "That's been the attitude in New Jersey for too long."

The litany of irresponsible decisions that have come home to roost is jaw dropping. Governors from Christie Whitman to Chris Christie shorted or skipped making payments to the pension system, causing its unfunded liability to balloon into a \$99 billion liability.

In his scandal-abbreviated term, Democrat Jim McGreevey turned long-term borrowing for short-term needs into an art form. The state at the time couldn't resist the temptation of borrowing against its long-term \$7 billion settlement from the tobacco industry in exchange for a much smaller \$3.4 billion for immediate budgetary needs.

Acting Gov. Donald T. DiFrancesco, then angling for a run for his own term as governor, signed off on a 9 percent increase in public employee pension payouts while trimming the size of workers' contributions. It was sold as a dividend, of sorts, from the dot-com frenzy that boosted the value of the pension fund's stock portfolio. But in reality, the dot-com bubble had already gone bust, prompting the state to employ some accounting tricks to mask that reality.

Perhaps the mother of all costly debt-piling gimmicks was the 1997 "Pension Security" bonds. It was sold by Gov. Christie Whitman's administration as an answer to the state's fiscal prayers. By borrowing that \$2.7 billion and pumping most of the proceeds into the pension system, the state would close a \$4.2 billion liability gap in the system (which almost seems quaint now) and reap windfalls as the then-roaring stock market would keep the portfolio flush, thus saving millions for taxpayers for decades to come.

But, of course, the market collapsed, and with it the portfolio's stock value. And the repayment of the bonds, pushed off to future years, is now coming due with a vengeance.

New Jersey will spend the next 10 years paying back the bulk of those bonds at a cost of nearly \$450 million to \$500 million a year.

All that borrowed money and debt with interest and not one fixed asset to show for it — not a new rail tunnel, a new school building or a wastewater treatment plant, and no new water pipes in Camden, where students have been drinking bottled water for 17 years.

No public official has said the state can't confront the lead water crisis — which could cost \$2 billion for public schools alone — because it is too debt-ridden to borrow money. But Gov. Phil Murphy has come close. He cited the state's debt crisis last year as a reason why he vetoed a proposed \$1 billion in borrowing to pay for school security needs. The measure was cut in half and approved by voters last November.

It's also a theme weaving through his talking points on the Newark water crisis. When pressed about the long-term costs beyond Newark, Murphy argues that the federal government needs to step in and cover the cost of chronic infrastructure needs.

And the Legislature's silence also speaks volumes. After holding public hearings on the extent and urgency of New Jersey's water infrastructure needs in 2017, Assemblyman Jack McKeon, D-Essex, and Sen. Linda Greenstein, D-Middlesex, introduced a measure to raise \$450 million in bonds for water-related needs. The bill never got a hearing.

"I just think there is an enormity to the issue," McKeon said, meaning it simply carries too big a price tag.

Another problem is that the state has never really sat down and identified its long-term infrastructure priorities or their costs.

Richard Keevey, a former top treasury official for Govs. Thomas H. Kean and Jim Florio, says the state lacks a coherent, long-term plan for its water, roads, schools and other infrastructure needs. The state's Capital Planning Commission focuses primarily on short-term "pay as you go" needs.

"If you were to say to the state, 'What are our capital needs?' they can't tell you," said Keevey, who is a senior policy fellow at Rutgers' Bloustein School of Policy and Planning. "If you wanted to find out over the next five or six years, what's the need for water, what's the need for sewer, what's the need for roads? — it's just not there."

And neither is there any plan from Murphy, who vowed as a candidate to make lead abatement a priority. Murphy officials hinted earlier this week that the administration is expected to address the issue in the coming weeks, but they offered few details.

Murphy ducked the question about his long-term plans when asked about it Monday in Newark.

"This is statewide, and I think a nationwide challenge in urban, rural and suburban communities," Murphy said at a news conference Monday in Newark. "Paterson and Trenton and Camden and other communities are on a rigorous protocol already that gets reviewed regularly by the Department of Environmental Protection and the EPA and those communities."

For now, Murphy doesn't have a plan. And he's going to have a tough time finding money once he does. His predecessors made sure of that.

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EPA denies 'Good Neighbor' aid to NY

September 26, 2019

The U.S. Environmental Protection Agency recently denied a petition to help the state of New York reduce pollution from other states that causes smog and acid rain and endangers the health of millions of New Yorkers.

In March 2018, the state Legislature requested federal funding from the EPA under "Good Neighbor" provisions of the Clean Air Act, claiming that entities in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia have produced smog that contaminated Chautauqua County and the New York City metropolitan area.

In an unofficial EPA document, Administrator Andrew Wheeler said the agency didn't find any evidence of New York's claims to be true.

Environmental advocacy groups such as the Adirondack Council and the Environmental Defense Fund disagree with the outcome.

"The EPA's decision means New Yorkers face an increased risk of serious illnesses, and Americans in all downwind states have another reason to believe EPA will not protect their health," said EDF Senior Attorney Graham McCahan. "States that are working hard to clean up their air are at the mercy of their more-polluting neighbors, and EPA is shirking its duty to help them. How ironic that EPA announced this decision just after our courts upheld the most recent Cross-State Air Pollution Rule — and even said it should be strengthened."

William Janeway, executive director of the Adirondack Council said, "The same coal-fired smokestacks that cause smog in our cities also cause acid rain in the Adirondack Park. The Adirondack Park has suffered the nation's worst damage from acid rain, which has killed fish and forests and contaminated the food chain with mercury. The EPA's refusal to enforce the smog rules means more acid rain damage in the Adirondacks. EPA has a moral and legal obligation to honor New York's petition for relief from this pollution."

Smog has been linked to premature deaths, hospitalizations, asthma attacks and long-term lung damage. States that are working to reduce smog are often undermined by the dirtier air that blows across their borders from coal plants in upwind states. A new EDF analysis found the nation has seen more than 2,500 instances of unhealthy smog so far in 2019 — instances that affected 185 million Americans across 40 states.

President Donald Trump's EPA has also denied requests from Maryland and Delaware for help with dangerous border-crossing pollution. Both states have gone to court over those decisions. EDF is part of a coalition of health, environmental and community groups that has joined the lawsuit in support of the states.

EPA's decision not to help New York comes less than two weeks after the U.S. Court of Appeals for the D.C. Circuit ruled in favor of an updated and strengthened version of the Cross-State Air Pollution Rule.

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ASBURY PARK PRESS

High lead levels in NJ school water add to need for action, Murphy and lawmakers say

By Dustin Racioppi and Stacey Barchenger

September 26, 2019

Gov. Phil Murphy and lawmakers said Wednesday that the prevalence of water with dangerous amounts of lead found in schools around the state in recent years should bolster a drive to finally eliminate the longstanding health hazard.

Although officials have known for at least two decades that lead was leaching from pipes into homes and pouring from school drinking fountains, an analysis by the Trenton bureau of the USA TODAY NETWORK New Jersey published Wednesday added new details showing the extent of the problem.

The analysis estimates that in one year of testing, between 2016 and 2017, more than 250,000 students were exposed to water with lead levels above the federal government's 15 parts per billion standard requiring corrective action. But it's likely that many more students may have ingested toxic water, since the state did not require testing until 2016, when about half of Newark's schools shut off their taps because of elevated lead levels.



Construction work can be seen along Keer avenue where the city is replacing lead pipes with copper piping on Monday, Sept. 23, 2019, in Newark. (Photo: Danielle Parhizkaran/NorthJersey.com)

And although health officials agree that there is no safe level of lead for children, the state does not require schools to report levels below the federal standard.

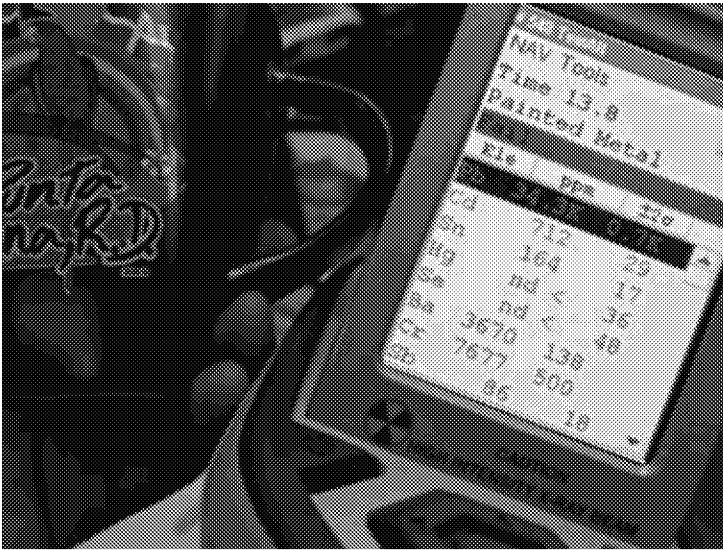
"It's another data point that this is not a Newark issue or a New Jersey issue. This is a national issue," Murphy said in an interview Wednesday. "I'm looking forward to working with leadership to move the lead-related things" pending in the Legislature, he added.

Several lawmakers said they agree, but to this point they have not passed measures or found the money to eradicate the problem by replacing the lead pipes and fixtures in schools and homes.

The Network identified about 480 public and charter schools across the state where dangerous levels of lead were found in water fountains, sink faucets and other water fixtures.

Using public records collected by the New Jersey Department of Education, the Network provided a detailed look at the largely invisible problem that spreads into the places where children — who are most vulnerable to lead's irreversible harm — go each school day. Lead can cause brain damage and developmental delays in young children.

"I think we have to act on it immediately," Sen. Brian Stack, D-Hudson, said about the Network's findings. "The fact that you have to bring it out in a story and The Record has to bring it out, and we haven't acted already, is shame on us also as a Legislature. The children have to be the top priority."



Lead analyzer after scanning a coffee cup from abroad has detected lead in the mug's paint. (Photo: photo by Matt Fagan)

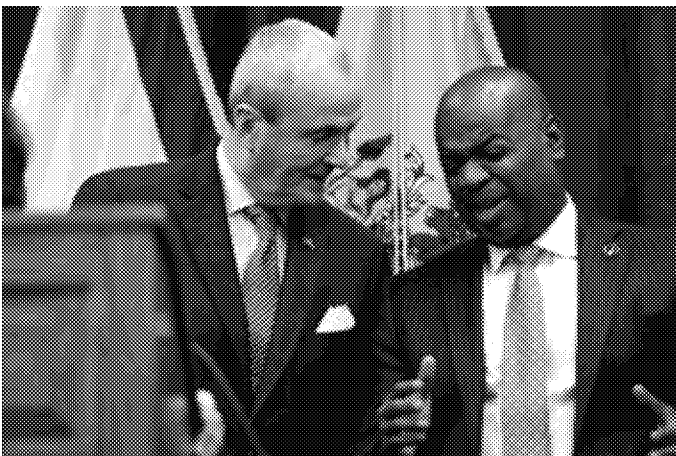
A bill pending in the Legislature would require the Department of Education to report the test results online, where they could be more easily accessed by the public. Subscribers can search a database of the schools we found by clicking [here](#).

Stack said water companies should bear part of the cost of fixing school infrastructure, but that children being exposed to lead in their schools was "a failure of everyone at the table right now."

"One of the things that we need to do is follow up with the Department [of Education] to make sure they're doing what they're supposed to do," said Sen. Troy Singleton, D-Burlington. "As an oversight body, which the Legislature is, it's incumbent upon us to hold folks accountable for that."

Singleton has led the recent hearings on the [Water Quality Accountability Act](#), a 2017 law that was designed to address lead in water as part of a broader focus on infrastructure. The law requires water suppliers to regularly inspect, test and upgrade their systems, but lawmakers say it lacks "teeth" and that a series of hearings could improve it to become a national model.

The legislative committee met again Wednesday to hear testimony from water experts, advocates and suppliers in its effort to improve the law.



New Jersey Governor Phil Murphy, left, and Newark Mayor Ras Baraka talk in the background during a press conference on the state is doing to fix Newark's lead-contaminated water problem on Monday, Sept. 23, 2019, in Newark. (Photo: Danielle Parhizkaran/NorthJersey.com)

Other lawmakers have expressed concerns to Murphy about lead issues. In a letter to the governor last week, three senators pressed for more details on a \$500 million borrowing plan that voters approved last year, with the money not yet spent. About \$100 million of that would go toward upgrading water infrastructure in schools.

"The threat of lead contaminants in our schools requires the immediate ability to fund critical water infrastructure improvements so that all students have access to safe, clean drinking water," said the letter, signed by Senate President Stephen Sweeney, D-Gloucester, and Republican Sens. Tom Kean Jr. and Steve Oroho.

"Our students and our schools cannot wait any longer for your administration to take the appropriate steps to ensure that this critical funding is made available," the lawmakers said.

Kevin McArdle, a spokesman for Assembly Speaker Craig Coughlin, D-Middlesex, said the speaker is meeting with experts on safe water.

"He is actively engaged in addressing the issue of lead in our water and supporting policies that will enhance the availability and accessibility of clean drinking water for all New Jersey residents. The speaker is committed to making water infrastructure a top priority," McArdle said.

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MID-HUDSON NEWS

[CDC to fund study of PFAS health effects in Newburgh](#)

September 26, 2019

The State Health Department and SUNY Albany's School of Public Health have been awarded a joint \$1 million grant from the Centers for Disease Control and Prevention's Agency for Toxic Substance and Disease Registry to support a health study of exposures of residents living in Newburgh and Hoosick Falls where the drinking water has been contaminated with PFAS.

The funding is the first year of a five-year project involving only seven sites nationally.

Newburgh City Manager Joseph Donat said the grant is welcome news.

"I think this is going to continue the studies that have already been done related to the blood contamination that comes from the water," Donat said. "It's welcome news for the city and we continue to look forward to working with the state and the many partners involved on resolving this very serious issue and providing our residents with a long-term, safe, water source."

The national multi-site study will recruit 2,000 children ages four to 17 and 6,000 adults ages 18 and older who were exposed to PFAS-contaminated drinking water. New York will recruit 1,000 adults and 300 children from the Newburgh and Hoosick areas impacted by legacy industrial sources and firefighting foams used by the military and others.

The US EPA, meanwhile, announced the state's Center for Environmental Health and Wadsworth Center Laboratories are receiving some \$900,000 over three years to develop a comprehensive database of PFAS found near landfills in the state.

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BURLINGTON COUNTY TIMES

[Nothing can stop PFAS. Except maybe this microbe from the NJ swamplands](#)

PFAS chemicals are contaminating communities in New Jersey, Pennsylvania, and across the country. Could a microbe from a New Jersey wetland be the thing to stop it?

By Kyle Bagenstose

September 26, 2019

It's not quite the creature from the black lagoon.

But it's close.

Researchers at Princeton University have discovered that a bacterium found in New Jersey's acidic soils has the potential to destroy per- and polyfluoroalkyl substances, or PFAS. The toxic, man-made chemicals are the culprits behind an increasing number of drinking water crises across the United States, including widespread contamination in southeast Pennsylvania and at several sites across New Jersey.

One of the biggest problems with PFAS is that the chemicals are built on a carbon-fluorine bond, one of the strongest in chemistry. It makes the chemicals nearly indestructible, with no known natural processes that can completely break them down.

"They have been viewed typically as non-biodegradable," said Peter Jaffé, a professor of civil and environmental engineering at Princeton.

Enter "acidimicrobium strain A6," which the less scientifically inclined can just call "A6." In 2005, Jaffé was studying wetlands in the Assunpink Wildlife Management Area, 12 miles east of Trenton in Upper Freehold, Monmouth County, when he came across the bacterium. It was doing unusual things — living off ammonium and iron — and Jaffé was curious.

"It had some genes for enzymes that looked intriguing," Jaffé said, as only an environmental scientist could.

By 2018, Jaffé and his team had isolated A6 in the lab and further studied it. The bacterium had qualities similar to microbes that are known to break down other harmful chemicals, such as trichloroethylene. But what would A6 do to a stronger compound?

"Given the interest in PFAS, we said, 'Let's try it,'" Jaffé said.

The results, which Jaffé and research associate Shan Huang published this month in [Environmental Science & Technology](#), are eye-catching. After adding the PFAS chemical perfluorooctanoic acid (PFOA) to hundreds of vials containing A6, and letting them sit for various periods of time, Jaffé observed the bacterium removed as much as 60% of the chemical.

What's more, his team was able to ascertain that the microbe wasn't just breaking PFOA down to "smaller" PFAS chemicals that still contained the carbon-fluorine bond, which is a concern for other known treatment methods. A6 was actually breaking the bond and creating free-floating fluoride molecules.

They ultimately looked at 20 different kinds of PFAS structures, and found that none escaped A6's appetite.

"We could see that all of them we could defluorinate," Jaffé said, stifling a smile. "Which is ... novel."

But Jaffé admits there is a long way to go between the early promising results and using A6 at the hundreds of sites across the country where PFAS is known to have contaminated drinking water or the environment. The Department of Defense has agreed to fund additional work to figure out exactly how A6 is able to break the bonds, and chemical companies have come calling.

Jaffé also wants to demonstrate that A6 can clear its plate.

"Questions have been raised, can we really get to 100%?" Jaffé said.

There are also questions about ideal conditions. A6 thrives in soils that are acidic and iron rich, common in New Jersey. That's promising for sites like Joint Base McGuire-Dix-Lakehurst, a site of significant PFAS contamination just 13 miles from Assunpink. A6 has also been found in South Carolina and China.

But environments with “karst” limestone geology, found in Pennsylvania, are not ideal. Jaffé says that means they’ll have to tinker: Can they adjust local soil conditions to help A6 thrive in those types of environments? One idea calls for the burying of electrodes to give A6 an extra energy boost in places with low iron, but it’s just a theory.

Perhaps the most practical application would be to create large chambers with ideal A6 living conditions. Then, PFAS could be removed from water with filters. When the filters are washed out, the hyper-concentrated PFAS leftovers could go right into the chamber, as breakfast, lunch and dinner for the microbes.

Or, Jaffé says, the microbes could be put to work eating through leftover sludge from wastewater treatment plants impacted by PFAS.

But, first things first. Jaffé says he’ll begin his DOD-funded work next spring, which will provide access to high-tech equipment to better understand how A6 works.

It may take a while to develop a usable, real-world application. But Jaffé says if it is achieved, early results indicate the microbe from New Jersey has the potential to eat through significant amounts of PFAS in months to a year.

“For what is termed a ‘forever chemical,’ 100 days to one year is fine,” Jaffé said.

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PRESS OF ATLANTIC CITY

[Mosquito samples test positive for West Nile Virus in Hammonton, Northfield](#)

By Molly Bilinski

September 26, 2019

Mosquito samples collected from Hammonton and Northfield tested positive for West Nile Virus, officials said Wednesday.

The samples were collected from Mill Run Drive and Horton Street in Hammonton and Ridgewood Drive in Northfield, according to a news release from the county citing the Atlantic County Division of Public Health.

In the county so far this year, there have been two reported human cases of West Nile Virus and one human case of Eastern Equine Encephalitis, with all three patients currently receiving medical attention.

Officials urged residents to combat mosquito-borne illness by reducing their exposure to bites by taking care of standing water on their properties and using insect repellent.

Residents can reduce mosquito populations by emptying or changing outdoor standing water in flower pots, birdbaths, clogged rain gutters, plastic wading pools and wheelbarrows, and any containers or trash that may be difficult to see such as under bushes, homes or around building exteriors, according to the release. Also, resident can reduce contact with the insect by using air conditioning and making sure window screens are in good repair.

Insect repellent can be used whenever residents go outside, but residents can also avoid going outdoors at dusk when mosquitoes may be more active, according to the release. The Centers for Disease Control recommends using products with active ingredients registered by the U.S. Environmental Protection Agency approved for efficacy and human safety when applied as directed.

For more information about West Nile Virus, visit www.aclink.org/publichealth or call the Division of Public Health at 609-645-5971. If you need assistance in removing stagnant puddles or floodwater from your property, call the Office of Mosquito Control at 609-645-5948.

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ST. CROIX SOURCE

Company: Limetree Bay On Schedule to Start Refining

By Bill Kossler

September 26, 2019

A portion of the former Hovensa refinery on St. Croix is on schedule to resume refining oil by year's end, according to Limetree Bay Ventures, parent company of Limetree Bay Terminals and Limetree Bay Refining.

The start date is timed with changes to area fuel sulfur regulations that take effect Jan. 1, 2020, which are crucial to the potential profitability of refining operations.

The Limetree Bay companies operate out of the shuttered refinery, the one as an oil storage company and the other as a start-up refining operation. It started the oil storage business in 2015, three years after the refinery closed in 2012.

In July 2018, the Legislature approved a new agreement with ArcLight Capital, the ultimate owners of all the companies, governing a possible restarting of part of the Hovensa refinery on St. Croix. In 2016, Limetree Bay began using part of the refinery for an oil storage business and had an option to restart the refinery.

During those legislative hearings, Bill Cline of Gaffney, Cline & Associates, the government's hired oil and gas industry consultant, said the United Nations' International Maritime Organization mandates a cap of 0.5 percent sulfur in ship fuels used worldwide, starting January 2020.

St. Croix attorney Joel Holt, who worked with Gov. Kenneth Mapp's administration on the contract negotiations, said the rule on sulfur "created an opportunity for reopening the refinery as there is not currently enough refinery capacity to meet this new demand."

Holt told legislators that Limetree Bay planned to begin work on restarting right away because the highest profits should be in the initial years of the new sulfur cap.

"Being able to process this fuel before January 2020 is crucial so Limetree can secure short and long-term contracts now to sell this needed product before other refineries can catch up," Holt said.

Independent sources, including a 2016 report from energy market analysts S&P Global Platts, also project the sulfur cap will cause a temporary increase in profits for refineries that deal with heavy and high sulfur crude.

According to a release from Limetree Bay Ventures on Wednesday, the refinery will be "able to" process about 200,000 barrels per day of crude oil. That is less than Hovensa in its heyday, which processed upwards of 500,000 barrels per day, but more than some earlier estimates. Portions of the refinery cannot be restarted without very large investments to comply with EPA pollution regulations. EPA officials priced those improvements at around \$710 million during a 2011 legislative hearing.

As a result, not all of the plant is being restarted.

Limetree Bay also announced it expects to bring its new single point mooring buoy into service in just a few weeks, in October.

An SPM is a mooring used by tankers to load or offload crude oil or refined petroleum products in cases where shallow waters prevent them from docking.

Large tankers can dock at Limetree Bay, where the channel has a draft restriction of 55 feet, but because the largest of these ships have a draft restriction of 70 feet, they typically arrive at the facility roughly half-loaded, Jason Gleason, lead superintendent of Limetree Bay's marine department, said at a legislative hearing in May 2018.

Fully loaded tankers bring in approximately 2.5 million barrels of crude oil, and the SPM will reportedly allow for the movement of 45,000 barrels per hour. Two miles of piping are needed to transport the oil from the tankers moored at the SPM to Limetree Bay's storage facility.

Burying the pipeline involved dredging and replacing 14,000 cubic yards of material from the sea floor, which Limetree Bay representatives said is a less impactful alternative to dredging the channel to accommodate the full tankers. That, they say, would require dredging up to 3 million cubic yards of material.

The sea around Limetree Bay, the former Hovensa refinery, was dredged when it was developed for industry, but no dredging has occurred there since 1974.



Former Hovensa CEO Brian Lever has been hired to head the Limetree operation. (Source file photo)

The company also announced it has promoted Brian Lever to the post of president and chief executive officer of Limetree Bay Ventures.

The British-born Lever had been president of the refinery operation. He also served as president of Hovensa for the last six months of the former refinery's existence. Before that, he had a 32-year career at ConocoPhillips.

"Limetree is focused on recruiting the strongest refinery and terminal operations team in the industry," Lever said in the company's statement. "Our management additions over the last year are a testimony to the compelling nature of our business plan as we complete the SPM buoy and refinery restart projects."

Under the new organizational structure, Robert Weldzius will reportedly continue to provide day-to-day oversight for the refinery. Weldzius joined Limetree Bay as senior vice president of refining in January 2019. According to the company, Weldzius has more than 40 years in refining and was vice president of Salt Lake City Refining for Andeavor before coming to Limetree Bay.

To lead the marine terminal business and operations, Limetree Bay recently hired Jeffrey Hersperger as senior vice president of terminals. Hersperger was previously general manager at Kinder Morgan, where he was responsible for the company's liquids business throughout the Gulf Coast.

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VIRGIN ISLANDS DAILY NEWS

Unexpectedly modest Karen still sets rainfall record on St. Thomas

By Suzanne Carlson

September 26, 2019

King Airport on St. Thomas measured a record-breaking single-day rainfall total Tuesday, but Tropical Storm Karen still brought far less precipitation than had been forecast.

“The thing is with Karen, is that the Virgin Islands did not really see that much rainfall because the storm stayed mostly toward the west, further west towards Puerto Rico, which received significantly more rain,” said Gabriel Lojero, meteorologist with the National Weather Service in San Juan.

Tuesday, King Airport recorded 1.23 inches of rain, breaking the previous daily rainfall record of 1.02 inches set in 1990, Lojero said.

But on average, Karen dropped between a quarter-inch to an inch of rain across the territory — not a particularly unusual or significant amount, Lojero said.

What was significant, however, was the strong wind that pounded St. Thomas harbor, and “all that water pushed onto the southern coast,” Lojero said, bringing storm surge up over the waterfront apron.

While Puerto Rico received more rain, “you had stronger winds,” Lojero said of the Virgin Islands. “Most of the wind with Karen was located mainly to the east of the center.”

Damage was more severe in Puerto Rico, where rivers overflowed and washed out two bridges, Lojero said, “so, it was like the opposite with Dorian where the Virgin Islands was in the bullseye.”

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THE NEW YORK TIMES

[\\$250 Million Feud Lingers, but Senecas and N.Y. Reach Small Truce](#)

By Jesse McKinley

September 25, 2019

For years, motorists flying down Interstate 90 southwest of Buffalo were putting the well-being of their vehicles — not to mention their occupants — at risk, as they entered a three-mile stretch crossing the Seneca Nation’s tribal lands.

The highway is one of the worst around, with deep divots, cracked pavement and potholes the size of manhole covers. The speed limit plummets to 45 miles per hour, and the blood pressures of most drivers soar.

But starting as early as Thursday, passengers on this road will see something they have rarely seen before: work crews, as New York and the Senecas, the state’s largest tribal nation, announced a truce on Wednesday.

The deal ends five years of bickering over the deteriorated interstate, which brought criticism for Gov. Andrew M. Cuomo.

The agreement will allow state road crews to completely overhaul the three-mile stretch over the next three months. But it may also help repair the rotten relationship between the Senecas and the state, which have fought for decades over issues like cigarette taxes and highway tolls.

The latest dispute centers on the tribe’s casino revenues, including more than \$250 million that arbitrators this year ruled the tribe owed. That decision has been contested by the Senecas, who own and operate three gleaming gambling halls on tribal lands in Western New York.

Through all of these issues runs a common thread: the Senecas’ claim of sovereignty. And the stretch of Interstate 90 that crosses their land resulted in several confrontations with the state police during the 1990s. At one point, tribal protesters dropped [burning tires off an overpass along the same stretch](#) of road to show their displeasure at a planned state tax on cigarettes, long a lucrative business for the state’s tribes.

The deteriorating section of highway, part of the New York State Thruway system, has been blamed for blown tires and tie rods and all other manner of swerves and close calls. It prompted Representative Tom Reed, a Republican from

Western New York, to [call for an investigation](#) by the Justice Department in August, saying that Mr. Cuomo was endangering public safety.

Mr. Cuomo, a third-term Democrat, has said that Mr. Reed was simply playing politics, and that he had feared sending state road crews onto the reservation and giving the Senecas an excuse not to pay the casino revenue.

On Wednesday, Mr. Cuomo said that getting the agreement with the Senecas had been challenging. "It was hard to get there," he said in a radio interview on WAMC.

For his part, Mr. Reed said on Facebook that he was pleased with the agreement and had been "happy to lead the public outcry over the road conditions."

As news reports about the road continued to percolate, the tribe and the state came back to the table this month, culminating with "several days of direct communication," according to the tribe's president, Rickey Armstrong Sr.

Mr. Armstrong had insisted last week that Thruway Authority officials needed to "address the many transportation-related issues that exist on Seneca Territory in a comprehensive way," and in a statement on Wednesday he said he was still holding out hope for a broader deal.

Matthew J. Driscoll, the executive director of the Thruway Authority, said he hoped the repairs would be done before the winter, when Lake Erie winds and lake-effect snow can make life miserable on even the best of byways.

The deal was hailed by local leaders who have fielded complaints from residents about the highway — and who have endured bumpy rides themselves.

George M. Borrello, the Chautauqua County executive who lives near the no-good, terrible, very bad highway, said he was thrilled that he — and his car — would soon be safer on the roads.

"I'm happy I will no longer be playing Russian roulette every time I get on that horrific stretch," he said.

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ALBANY TIMES-UNION

[Will acid rain return to Adirondacks?](#)

Trump Administration denial of an emissions petition raises worries

By Rick Karlin

September 25, 2019

Is acid rain returning to the Adirondacks? Environmentalists say that's a possibility in light of an Environmental Protection Agency denial this week of a petition by New York state to crack down on coal plant emissions in the Midwest.

"The same coal-fired smokestacks that cause smog in our cities also cause acid rain in the Adirondack Park," William Janeway, executive director of the Adirondack Council said of the petition denial by the Trump Administration.

The council and the Environmental Defense Fund had petitioned the EPA in 2018 to enforce smog-prevention rules for three dozen coal plants on grounds that their nitrogen oxide emissions were interfering with New York's ability to implement clean and healthy air standards. The plants are in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia.

"The same coal-fired smokestacks that cause smog in our cities also cause acid rain in the Adirondack Park," William Janeway, executive director of the Adirondack Council said of the petition denial by the Trump Administration.

The council and the Environmental Defense Fund had petitioned the EPA in 2018 to enforce smog-prevention rules for three dozen coal plants on grounds that their nitrogen oxide emissions were interfering with New York's ability to implement clean and healthy air standards. The plants are in Illinois, Indiana, Kentucky, Maryland, Michigan, Ohio, Pennsylvania, Virginia and West Virginia.

"Petitioner did not meet its burden to demonstrate both that there is a relevant downwind air quality under the good neighbor provision in a relevant future year in either Chautauqua County or the NYMA, and that there are cost-effective emissions reductions available at the named sources," EPA Administrator Andrew Wheeler wrote in the denial.

Adirondack Council spokesman John Sheehan explained that the coal plants are equipped with electrostatic precipitators, which filters particles through an electric charge. But that is 1960s-era technology, he said.

"If these plants were subject to New York's emissions laws, they would have been closed or converted to a cleaner fuel a decade ago," he said.

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CARIBBEAN BUSINESS

[Tropical Storm Karen floods streets across Puerto Rico](#)

Leaves some areas in southeast with up to 5 inches of rainfall

By Maria Soledad Davila Calero

September 25, 2019

Tropical Storm Karen was expected to produce additional rainfall Wednesday in Puerto Rico, where the system left roads across the island flooded Tuesday.

These rains may cause flash flooding and mudslides, especially in mountainous areas, the National Hurricane Center said, adding that some areas in southeastern Puerto Rico received up to 5 inches of rainfall.

Several major roadways were impassable Tuesday, and National Weather Service meteorologist Ernesto Morales explained Tuesday that the rainfall's resulting soil saturation can lead to flash floods and landslides.

"Although there are going to be windy moments, it is not the important danger or the biggest impact from Karen. Really, what concerns us is the expected rain," Morales said, adding that in the "afternoon, we are going to see that these showers turn more copious and more frequent."

The system is expected to produce rain until Wednesday, with high humidity possibly lasting until Thursday. As a result, there's a flash flood warning for Puerto Rico, including Vieques and Culebra, and the USVI. Likewise, the threat of landslides could last through the weekend.

During her second press conference Tuesday, Gov. Wanda Vázquez announced that the number of shelters had grown from 35 to 67, at the request of the mayors, and there were four medical shelters—in San Juan, Fajardo, Ponce and Arecibo. The shelters were equipped to receive people who would need to power medical equipment. There were 46 people in nine of the shelters Tuesday.

Puerto Rico Electric Power Authority director José Ortiz indicated that the some 1,500 customers lost service due to issues unrelated to the storm and argued that on any given day about 3,000 customers lose service because of maintenance work.

Regarding the Guajataca Dam, which sustained severe damage from Hurricane Maria in 2017 and is not fully repaired, Emergency Bureau Commissioner Carlos Acevedo said the U.S. Army Corps of Engineers inspected the dam and found no problems. Guajataca's three warning alarms are operational, he added.

About 900 people had lost water service because a pipe broke as a result of the magnitude 6.3 earthquake north of Isabela, Puerto Rico, late Monday evening.

Since Monday, the government had ordered a price freeze on essential items, canceled classes in the public school system and work in government agencies. Work resumed Wednesday but classes were still canceled.

The island's main banks in the east area did not open Tuesday; however, those in the rest of the island remain open. Some businesses also closed, while others opened regularly or for limited hours, such as Plaza Las Américas, the largest shopping mall on the island, which closed at 3:30 p.m. Tuesday and was closed Wednesday.

—Efrén Rodríguez contributed to this report.

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NATIONAL

Food waste reduction advocates pitch financial benefit to boost efforts

<https://insideepa.com/environment-next-news/food-waste-reduction-advocates-pitch-financial-benefit-boost-efforts>

September 25, 2019

Food waste reduction advocates are suggesting that making companies more aware of the financial benefit of such efforts could help encourage the launch of more programs designed to cut wasted food, as EPA looks to a number of voluntary industry measures to meet non-binding targets for reducing waste in lieu of new federal rules.

"I think it's important not to frame it first environmentally, but to frame it first in the business case because there is one," said Chris Cochran, executive director of ReFED, a non-profit whose members include representatives from the federal government, businesses, and others who share the goal of reducing overall U.S. food waste, [according to a recent article in Waste Dive](#).

Cochran met EPA chief Andrew Wheeler and other food waste reduction proponents at the New York headquarters of the grocery company Fresh Direct on Sept. 22 to discuss such efforts.

"Addressing the problem of food waste will take cooperation across the public and private sectors, so it was a pleasure to meet with some of the leading organizations and companies committed to eliminating wasted food in New York City and across the country," said Wheeler in a press release. "The Trump Administration is working closely with our state and local partners to transform wasted food into solutions that feed communities, fuel our economy, and maximize our resources."

EPA estimates that more than 75 billion pounds of food reaches combustion facilities and landfills, and that landfills are the third largest source of human-related emissions of the greenhouse gas methane in the United States. As a result, high levels of food waste can cause increases in methane emissions.

In addition, EPA says that food waste "also results in unnecessary, excess expenditures of U.S. domestic energy resources" and accounts for more than 21 percent of all fresh waste globally.

But the Trump administration is not pursuing any new EPA rules to cut food waste and instead is eyeing voluntary measures to reach its goal of cutting the waste 50 percent by 2030.

To help reach its goal, EPA convened a summit last April with the U.S. Department of Agriculture and the U.S. Food & Drug Administration at which state and local officials signed a pledge to work with the federal government on reducing food waste. The agency has also announced several funding opportunities for programs that are designed to cut the level of wasted food.

Some environmentalists argue that even with innovative voluntary measures to tackle emerging environmental problems, federal rules are still necessary as a backstop. They have raised concerns that some companies might not act to reduce their environmental footprint without such regulations in place.

Waste Dive reports that ReFED's Cochran is suggesting that although the Trump administration efforts are welcome and could encourage businesses to act, pitching the financial benefits of voluntarily reducing food waste might be a similarly strong driver.

"One of the challenges in introducing this to people who are thinking about it for the first time -- maybe executives -- is when they hear food waste and then they hear the environmental stats first, I think their mind goes, 'okay I need to pass this off to my corporate affairs team versus my CFO,'" Cochran said, according to the article

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EPA lacks information on nearly 10,000 farms it's tasked with regulating

A recent report highlights gaps in the agency's data on large-scale animal facilities

<https://www.muckrock.com/news/archives/2019/sep/25/epa-data-and-nrdc-report-on-CAFOs/>

Written by [Adrien Salzberg](#)

Edited by [Beryl Lipton](#)

A report published Monday by the [Natural Resources Defense Council](#) claims the [Environmental Protection Agency](#) has no information on the 9,734 concentrated animal feeding operations the government agency estimates exist in the country.

Also known as CAFOs, these large-scale facilities each house hundreds or thousands of animals. The EPA regulates these operations under the [Clean Water Act](#), since the volume of manure they produce can contaminate the water supply and harm people living near the farm if improperly managed.

NRDC's report, "[CAFOs: What We Don't Know Is Hurting Us](#)," is based on a review of data on CAFOs published publicly online by the EPA and states, as well as information received through a Freedom of Information Act request. The request was completed in 2013, while all other data was collected in 2015. Though the EPA [estimated in 2012](#) that 17,329 CAFOs exist in the United States, the NRDC analysis was only able to identify 7,595 CAFOs in 40 states with associated data. It also found more facilities than the EPA estimates in nine states and no data for another nine states where the EPA determined CAFOs were active. In one case, the EPA estimated 1,028 facilities existed in California, but the NRDC only found information on a single facility. The EPA was not able to respond to a MuckRock request for comment in time for publication.

"Another part of the mandate of the Clean Water Act is the EPA is supposed to make sure that the states meet certain minimum standards," says [Valerie Baron](#), an NRDC staff attorney focused on health and food. "I don't see a way for the agency to do that if they can't even establish where the facilities are, let alone what type of pollution load they should be producing."

A Government Accountability Office study in 2008 found that the EPA did not keep data on the location of these facilities and their discharges. The EPA then proposed a rule in October 2011 to require CAFOs to submit information to the agency, including the facility's location and how many animals it houses. However, the agency withdrew the rule in July 2012, saying it could obtain the information it needed through cooperation with state agencies. The NRDC review, however, challenges whether this has actually been happening.

Environmental groups like the NRDC are concerned the lack of federal oversight on CAFOs will lead to improper waste disposal. When not properly treated, manure can release greenhouse gases and chemicals like ammonia and hydrogen sulfide into the atmosphere. CAFOs typically keep animals in confined conditions, and to prevent disease, continually feed animals low doses of antibiotics. While this kills some bacteria, it can cause other bacteria to become antibiotic resistant. When manure is not properly disposed of, these bacteria can be transmitted through the air and may be found in meat from these animals.

In some states, like North Carolina, CAFOs apply manure to fields by aerosolizing it and spraying it into the air. Elsie Herring, who lives next to a factory farm facility in North Carolina, says the farm is on land that has been in her family since the 1890s.

"They've taken the majority of the land, and they spray the field like eight feet from my mother's house," Herring said.

In 2018, the EPA settled a lawsuit filed by the North Carolina Environmental Justice Network claiming the state's regulation of swine feeding operations discriminated against black, Latino, and Native American Communities. The state agreed to conduct air and water quality tests in Sampson and Duplin counties, the results of which will be posted by February 2020.

The NRDC, as well as Earthjustice and Pew Charitable Trusts, filed a FOIA request with the agency for its information on CAFOs and the data it collected from states about them. After the EPA released the information it had gathered from the 28 states at the time, trade groups in the agricultural industry raised concerns about privacy, since the information from some states included mailing addresses, names, and phone numbers. These 19 states had this information previously available to the public on websites or by request, so the EPA determined that the information didn't warrant being withheld under a FOIA exemption.

After the backlash from industry groups, the EPA provided the requesters with an amended response twice: once to redact location data from 10 states where that information was not public and again because the agency failed to redact that data for CAFOs in Montana and Nebraska.

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Moniz's group urges federal boost for CO2 removal technologies

<https://insideepa.com/environment-next-news/moniz's-group-urges-federal-boost-co2-removal-technologies>

September 25, 2019

The Energy Futures Initiative (EFI), a nonprofit technical think-tank led by former Obama Energy Secretary Ernest Moniz, is urging the creation of a major Research, Design, and Development (RD&D) program involving EPA and nine other agencies to make existing but still fledgling technologies for removing carbon from the atmosphere commercially ready in 10 years.

In a new report issued Sept. 24, "*Clearing the Air: A Federal RD&D Initiative and Management Plan for Carbon Dioxide Removal [CDR] Technologies*," EFI spent a year researching innovative technologies for CDR. "Specific CDR pathways include natural processes (e.g., planting trees), technologically-enhanced natural processes (e.g., *ex situ* carbon mineralization), and technological processes (e.g., direct air capture, or DAC)," according to [an EFI fact sheet](#).

The EFI proposal comes as [Carbon 180](#), a non-governmental organization, is advocating CDR as part of a “circular carbon economy” that the group’s Executive Director Noah Deich says could overhaul how regulators approach global warming.

EFI’s proposal carries an estimated budget of \$10.7 billion over 10 years, or approximately \$1 billion per year, which represents 15% of the federal energy innovation budget. The plan, which proposes a funding level of \$325 million for the first full year, includes the establishment of a single, technology-neutral demonstration fund of \$2 billion. “The budget supports a robust and balanced portfolio across all CDR and CO2 disposition pathways plus cross-cutting program elements,” EFI says, and notes that the federal energy innovation budget “has recently been on a trajectory to double over the next decade with bipartisan support.”

According to EFI’s plan, the CDR work on the RD&D portfolio would be divided among 10 agencies: EPA; the Department of Energy; the National Science Foundation; the Department of Agriculture; the National Oceanic and Atmospheric Administration; the National Institute of Standards and Technology; the Department of Defense; the Department of the Interior; the Department of Transportation; and the National Aeronautics and Space Administration. Interagency planning and budget coordination would be overseen by the White House Office of Science and Technology Policy and the Office of Management and Budget.

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We're all in big trouble: Climate panel

<https://www.canberratimes.com.au/story/6406989/were-all-in-big-trouble-climate-panel/>

By Seth Borenstein

September 26 2019



Seas are now rising at 3.66mm a year, 2.5 times faster than the rate from 1900-1990, experts say.

Earth is in more hot water than ever before, and so are we, an expert UN climate panel has warned in a grim new report.

Sea levels are rising at an ever-faster rate as ice and snow shrink, and oceans are getting more acidic and losing oxygen, the Intergovernmental Panel on Climate Change said in a report issued on Wednesday as world leaders met at the UN.

It warned that if steps aren't taken to reduce emissions and slow global warming, seas will rise one metre by the end of the century, with many fewer fish, less snow and ice, stronger and wetter hurricanes and other, nastier weather systems.

"The oceans and the icy parts of the world are in big trouble, and that means we're all in big trouble, too," said one of the report's lead authors, Michael Oppenheimer, professor of geosciences and international affairs at Princeton University.

"The changes are accelerating."

The dire effects will be felt on both land and sea, harming people, plants, animals, food, societies, infrastructure and the global economy.

In fact, the international team of scientists projected for the first time that some island nations will probably become uninhabitable.

The oceans absorb more than 90 per cent of the excess heat from carbon pollution in the air, as well as much of the carbon dioxide itself.

Earth's snow and ice, called the cryosphere, are also being eroded.

"The world's oceans and cryosphere have been taking the heat for climate change for decades. The consequences for nature and humanity are sweeping and severe," said Ko Barrett, vice chair of the IPCC and a deputy assistant administrator for research at the US National Oceanic and Atmospheric Administration.

The report found:

- Seas are now rising at 3.66 millimetres a year, which is 2.5 times faster than the rate from 1900 to 1990.
- The world's oceans have already lost 1 to 3 per cent of the oxygen in their upper levels since 1970 and will lose more as warming continues.
- From 2006 to 2015, the ice melting from Greenland, Antarctica and the world's mountain glaciers has accelerated. They are now losing 653 billion tonnes of ice a year.
- Arctic June snow cover has shrunk more than half since 1967, down nearly 2.5 million square kilometres.
- Arctic sea ice in September, the annual low point, is down almost 13 per cent per decade since 1979. This year's low, reported on Monday, tied for the second-lowest on record.
- Marine animals are likely to decrease 15 per cent, and catches by fisheries in general are expected to decline 21 to 24 per cent by the end of the century because of climate change.

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Gerston: David takes on Goliath on air pollution, but will he win?

<https://sanjosespotlight.com/gerston-david-takes-on-goliath-on-air-pollution-but-will-he-win/>

by [Special to San José Spotlight](#)

September 25, 2019

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In this Dec. 10, 2015, file photo, vehicles make their way westbound on Interstate 80 across the San Francisco-Oakland Bay Bridge as seen from Treasure Island in San Francisco. California Gov. Gavin Newsom, Attorney General Xavier Becerra and others plan to announce legal action Wednesday, Sept. 18, 2019, to fight the Trump administration's move to revoke the state's authority to set auto mileage standards. (AP Photo/Ben Margot, File)

The battle between California and the Trump administration reached a crescendo of sorts last month, with the outcome very much in “the air.”

The president instructed the Environmental Protection Administration Agency (EPA) to revoke California’s long-standing ability to set automobile emissions standards that are firmer than federal rules. If the new direction of the Trump administration takes root, the air pollution consequences are likely to be dire for California, including the Bay Area.

This issue is hardly new. Because of the state’s topography — principally several valleys — California is besieged with poor air quality. Often, bad air is trapped with no place to go. A recent federal study found that California has 7 of the 10 most polluted regions in the nation. And the issue hits home right here in Silicon Valley. The same study placed the San Jose-San Francisco-Oakland region 8th in the nation, a fact that is reinforced with those increasingly frequent “spare the air” days.

Congress acknowledged this dilemma with an amendment to the 1970 Environmental Protection Act, which allows California to seek a waiver if the state seeks air pollution rules that are tougher than those passed by the federal government. Since the passage of that act, the state has applied for and received the environmental waiver on 45 occasions, with the automobile companies quickly falling into line with a national standard essentially generated by California.

Fast forward to the present. Experts have long known that automobile emissions are the largest source of greenhouse gas pollution in the United States. Nationally, tailpipe emissions from automobiles and trucks account for 30 percent of all green gases; in California the figure is 40 percent.

Thus, for decades, while EPA has increased miles-per-gallon requirements to nudge development of less-polluting cars, California has pushed the anti-pollution even more with its waiver requests. A few years ago during the Obama

administration, the EPA established a new 54.5 miles-per-gallon requirement for automobiles produced, beginning 2025.

Now the Trump administration has balked at the latest mandate, contending that it would add an extra \$3,000 to the average cost of an automobile. Instead, the EPA has set a much lower rate of 37 miles-per-gallon, insisting that the extra cost would be only \$2,000 per automobile and therefore consumer-friendly.

But there is another side to the argument. Environmental experts have determined that the difference between the 54.5 mile-per-gallon and 37 miles-per-gallon requirements would yield a whopping 6 billion tons of greenhouse gas emissions over the lifetimes of those cars. Then there's the question of health. A recent study by M.I.T. found that 21,000 Californians die prematurely each year because of air pollution-related diseases. Untold millions more cope with asthma and related respiratory issues aggravated by miserable air pollution.

Given the deleterious impact of tailpipe-originated greenhouse gas emissions, California and 13 other states asked for a waiver. These states also arranged agreements with four major automobile producers to accept a state very close to the new Obama-era requirement. Nevertheless, the Trump administration denied the request. The issue will now be decided by the courts, which have become the home to California disputes with the Trump administration. California Attorney General Xavier Becerra has already argued 60 cases against the Trump administration with some successes.

Beyond this particular dispute, it's hard to fathom Trump's logic. This is the same administration that has repeatedly stripped away national standards on a variety of policy areas including mining, offshore oil drilling, water quality and land toxicity, to cite a few examples. Yet, in this case, Trump says that one national standard should exist.

Perhaps the most egregious irony was recently argued by EPA Administrator Andrew Wheeler. At a news conference explaining why the EPA denied California's waiver request, Wheeler declared that California should focus on its own issues "rather than trying to set fuel economy standards for the entire country."

Given the climate crisis in California, the nation and the world, it's hard to comprehend just how the Trump administration is meeting the environmental challenge without confronting air pollution. Yet for Californians, the fight goes on.

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Senate unveils Interior-EPA bill, rejects money for BLM move

<https://www.eenews.net/greenwire/2019/09/24/stories/1061166135>

[Kellie Lunney](#) and [Kevin Bogardus](#), E&E News reporters

Published: Tuesday, September 24, 2019



Senate Interior and Environment Appropriations Subcommittee Chairwoman Lisa Murkowski (R-Alaska) and ranking member Tom Udall (D-N.M.) during a markup this morning. Francis Chung/E&E News

Senate appropriators approved by voice vote this morning a \$35.8 billion fiscal 2020 spending bill for EPA, the Interior Department and related agencies, with bipartisan consensus and without any new "poison pill riders."

But the bill does seek to limit Interior's ability to relocate hundreds of Bureau of Land Management (BLM) jobs out of Washington, D.C.

That total is slightly less than the \$37.3 billion the House approved for those agencies this past summer in a multibill package, H.R. 3055.

Both chambers, however, are unified in rejecting deep cuts proposed by the White House for several EPA and Interior programs in fiscal 2020.

"We all know this account is not one of the easy ones," said Sen. Lisa Murkowski, who leads the Senate Interior and Environment Appropriations Subcommittee. "We had a few bumps, a few surprises that could have derailed our progress with this."

Still, the legislation the two sides produced represents a "laudable mix of accommodating our colleagues, accommodating the states' interests, federal interests, and working to address the needs of our lands, our waters and our people," the Alaska Republican said.

Ranking member Tom Udall (D-N.M.) added, "We have produced what I think is a fine Interior bill, one that makes key investments in members' priorities on both sides of the aisle."

Udall secured language similar to the House's that would prevent the Bureau of Land Management from conducting new oil and gas leasing within the 10-mile buffer zone around New Mexico's Chaco Culture National Historical Park (Greenwire, May 21).

Other subcommittee members held off on offering amendments today but may do so when the full Appropriations panel marks up the Interior-EPA bill Thursday.

"At this point in time, I'm hoping we keep it to a dull roar," Murkowski told reporters after the markup when asked what she anticipated could happen Thursday with amendments to the bill.

Interior reorganization

The legislation would provide no new money for Interior's management overhaul, including a relocation of hundreds of BLM jobs to Western states and a new headquarters in Grand Junction, Colo. The House also did not appropriate any fiscal 2020 funds to the reorganization effort.

"Between this bill and the strong statement from the House to oppose the reorganization, the administration will be well-advised to stop trying to ram these changes through and actually work with Congress on a good-faith basis," said Udall.

The administration had requested \$28 million for the reorganization in fiscal 2020. Congress gave Interior \$14 million for the project in fiscal 2019, but many Republicans and Democrats have criticized the department for not providing enough detail about the effort.

In response to the Senate markup, an Interior spokesperson released a statement saying "the BLM relocation is moving full speed ahead."

"As previously approved by Congress, we have the means to complete this relocation and establish the new headquarters in Grand Junction, Colorado," said the statement.

"The Department intends to give BLM employees their legally authorized compensation and incentives, but ultimately it is up to Congress to decide if they want to deny these benefits to our employees," it said.

Bill details

EPA would receive about \$9 billion in fiscal 2020 from the Senate legislation, while Interior would get \$13.7 billion.

EPA's figure is an increase from current funding of \$8.8 billion and much more than the \$6 billion President Trump proposed for the agency in his fiscal 2020 budget plan. The House would give EPA \$9.5 billion.

The agency's state and tribal assistance grants would increase by \$116 million under the legislation, including an additional \$20 million for handling contamination and remediation of per- and polyfluoroalkyl substances, or PFAS.

Senate appropriators would fund EPA's Clean Water and Drinking Water state revolving funds at close to \$2.8 billion.

In addition, \$73 million would go to the Water Infrastructure Finance and Innovation Act program, which finances loans for drinking water and wastewater systems around the country.

Senate appropriators' budget number for Interior is close to the \$13.8 billion the House provided to the department in its fiscal 2020 bill.

Like the House bill, the Senate version released today would fully fund the payment in lieu of taxes program at \$500 million.

Senate appropriators decided to devote \$465 million to the popular Land and Water Conservation Fund, less than the \$523.9 million in the House bill.

The program is authorized for up to \$900 million annually; Democrats and some Republicans have pushed to provide full, mandatory funding for LWCF.

That difference in the amounts allocated to LWCF will no doubt be a sticking point when the two chambers hammer out their differences in conference committee.

"I'm disappointed to see barely, barely half of full funding" in the bill, said Sen. Steve Daines (R-Mont.). "I want to work with you both on a path forward; I look forward to continuing the conversation as we finalize the bill on Thursday."

For the first time, appropriators carved out \$6.5 million in the Interior account to help address the growing problem of missing and murdered indigenous women and girls. The money would go toward cold case investigations, equipment, training and background checks.

"We know it's going to take a lot of communication and coordination among law enforcement agencies to get this right," Murkowski said.

The Senate bill would provide \$2.25 billion for wildfire suppression activities, made available through the fiscal 2018 wildfire budget adjustment cap.

The "fire fix" in the 2018 legislation would avert "fire borrowing," in which the Forest Service has taken money out of non-fire-related accounts to cover rising wildfire expenses. Overall, the fiscal 2020 Senate legislation would allocate \$3.64 billion for fire suppression.

Interior agencies

The Senate fiscal 2020 Interior-EPA bill would provide funding for the following agencies, according to a summary provided by the majority:

- BLM: \$1.39 billion, an increase of \$53 million over the fiscal 2019 enacted level.
- National Park Service: \$3.36 billion, \$133 million more than the fiscal 2019 level.
- Fish and Wildlife Service: \$1.63 billion, an increase of \$52.7 million above the fiscal 2019 level.
- U.S. Geological Survey: \$1.2 billion, a boost of \$49 million from fiscal 2019.
- Office of Surface Mining: \$257.2 million, an increase of \$2 million from the fiscal 2019 level.

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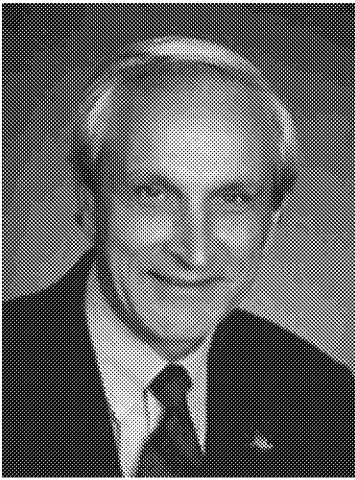
Ethics office placed partial limits on Region 6 chief

<https://www.eenews.net/eenewspm/2019/09/25/stories/1061169539>

[Sean Reilly](#), E&E News reporter

Published: Wednesday, September 25, 2019

Ken McQueen, recently named administrator of EPA's Dallas-based Region 6 office, has received a partial go-ahead to work on matters involving New Mexico, where he previously led the state's energy and natural resources agency.



Ken McQueen. McQueen/LinkedIn

McQueen is "authorized to participate in new or future specific party matters that involve the state of New Mexico, but not on the very same specific party matters on which you worked on personally and substantially while employed by" the state agency, according to the "impartiality determination" issued early last month by Justina Fugh, EPA's alternate designated ethics official. Throughout his EPA tenure, McQueen has agreed to avoid participation in those matters, the determination says.

The determination, obtained by E&E News through a Freedom of Information Act request, does not spell out specific matters that require McQueen's recusal, but they would presumably include work he did on mining and oil and gas development.

The document is dated Aug. 5, the same day EPA Administrator Andrew Wheeler announced the longtime oil industry executive's appointment to head Region 6, which oversees day-to-day management of environmental programs in Texas, New Mexico, Arkansas, Louisiana, Oklahoma and 66 tribal nations (Greenwire, Aug. 5).

From late 2016 through the end of last year, McQueen had been secretary of the New Mexico Energy, Minerals and Natural Resources Department under then-Gov. Susana Martinez (R). He left when Martinez, who was term-limited, stepped down and was replaced by Gov. Michelle Lujan Grisham (D).

Since joining EPA, McQueen has been involved in at least one high-profile controversy affecting New Mexico: groundwater contamination near two Air Force bases in the state (E&E News PM, Aug. 6).

In the determination letter, Fugh noted that President Trump's ethics pledge, which generally bars political appointees from participating in specific matters involving their former employers, has an exception for state government but that federal ethics rules do not.

Reporter Kevin Bogardus contributed.

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Lawmakers spar over ESA but find room for compromise

<https://www.eenews.net/eedaily/2019/09/25/stories/1061167347>

Michael Doyle and Kellie Lunney, E&E News reporters

Lawmakers wrangled over the Endangered Species Act yesterday, raising familiar arguments and apparently changing no minds.

But on less ideologically sensitive environmental turf, including certain grants programs that aid wetlands and combat big invasive rodents, some common ground emerged.

In a wide-ranging hearing before the House Natural Resources Subcommittee on Water, Oceans and Wildlife, a top Fish and Wildlife Service official offered support for H.R. 925 to reauthorize the North American Wetlands Conservation Act (NAWCA) through fiscal 2024 at a funding level of \$60 million per year.

"NAWCA is the only federal grant program dedicated to the conservation of wetland habitats for migratory birds," Stephen Guertin, the FWS deputy director for policy, told the subcommittee.

Guertin said the administration also supports H.R. 3399 to amend the Nutria Eradication and Control Act of 2003 to include \$7 million a year for California in the program, which currently includes Maryland and Louisiana.

Nutria are invasive, semi-aquatic and voracious South American rodents that can reach 40 pounds. As a visual aid, the bill's author, California Democratic Rep. Josh Harder, spoke next to a stuffed example of what he called a swamp rat.

"They eat a lot," Harder said. "In fact, nutria like this eat a quarter of their weight in food every single day."

A career FWS employee, Guertin added that "the department would be happy to work with the subcommittee to expand this program in the legislation to also include other impacted states."

Guertin was far more cautious about certain other bills. H.R. 2748, for example, would establish a National Climate Change and Wildlife Science Center and mandate other actions related to climate change.

"This bill appears to be duplicative of many ongoing efforts related to adaptation strategies for fish, wildlife and plants," Guertin said.

Differences as big as ever

The starkest contrast, though, centered yesterday on the ESA, with dueling plans offered by Democrats and Republicans on how to implement the 1973 law.

A bill by Natural Resources Chairman Rep. Raúl Grijalva (D-Ariz.), which lawmakers discussed at the hearing, would reverse recently adopted Interior Department regulations that critics say weaken the law.

"Unfortunately, the current administration has been busy undermining almost every single environmental protection we have," said subcommittee Chairman Jared Huffman (D-Calif.).



Rep. Paul Gosar (R-Ariz.) during a Congressional Western Caucus event yesterday on the Endangered Species Act. Francis Chung/E&E News

One change dealt with the difference between threatened and endangered species (*E&E News PM*, July 19, 2018). The law prohibits harming or harassing species designated as endangered, while the agency may establish looser regulations for species designated as threatened.

In 1978, FWS used that flexible authority to give threatened species all the protections of endangered ones. This is known as the "blanket 4(d) rule," named after the section of the law that allows it. The new administration rule tailors protections to each threatened species.

Another change involves critical habitats, which are areas important for recovery of a species. Sometimes an area can be considered vital for restoration even when it is not currently occupied by the species in question.

Under the new rule, FWS and NOAA Fisheries will designate unoccupied critical habitat only when the occupied areas are inadequate to ensure the conservation of the species or if inclusion of unoccupied areas would yield certain other specified benefits.

A third change concerns costs. The ESA requires listing decisions to be made "solely on the basis of the best scientific and commercial data available."

The new rules will allow cost-benefit analyses to be presented when an ESA listing is proposed, supposedly for information purposes only.

"The department is committed to ensuring that the ESA works for the American people and for the species it protects," Guertin said, adding the new regulations "seek to improve implementation of the ESA by increasing transparency and the effectiveness of the law."

'Nice contrast'

Meanwhile, on the other side of the Capitol at the same time as the hearing, the GOP-led Congressional Western Caucus held a roundtable with several House members and Interior's Karen Budd-Falen to discuss their vision for reforming the ESA. That vision includes a 19-bill draft legislative package.

Congressional Western Caucus Chairman Paul Gosar (R-Ariz.) said his event "with real people impacted by ESA listings" was a "nice contrast" to the Natural Resources subcommittee hearing on the Democratic bill that featured "left-wing" groups such as Earthjustice.

That hearing, he said, "seeks to move the country backward by repealing" the Trump administration's new ESA regulations.

The caucus's legislative package aims to modify several parts of the ESA, as well as codify the Trump administration's new rules.

Among the members' proposed changes:

- Authorize the Interior secretary to delist species based on an "objective" scientific study that a species is recovered.
- Increase the role of state, local and tribal governments in the petition and listing processes.
- Streamline the petition process to help reduce the backlog.
- Cap attorneys' fees at \$125 per hour for ESA lawsuits.
- Implement more protections for private property owners.

Gosar said lawmakers are still finalizing the bills and won't formally introduce them for a few months.

"We wanted to put them out there so we could start stimulating the conversation and discussion and get your feedback," he told roundtable participants.

The discussion also featured many industry and other representatives from various groups, including the California Farm Bureau Federation, New Mexico Cattle Growers' Association, Independent Petroleum Association of America and Western Energy Alliance.

'Not done yet'

Budd-Falen, Interior's deputy solicitor for parks and wildlife, said the department is "not done yet" with regulatory changes to the ESA, something she discussed in detail last month during a Western Caucus Foundation event in Lake Tahoe, Calif. ([Greenwire](#), Aug. 22).

Among other things, "our new proposed regulations are going to define what habitat is," she said, although she didn't offer a time frame for when those proposals would be released.

But conservation groups, including the Center for Biological Diversity, Earthjustice and Defenders of Wildlife, blasted the Western Caucus' legislative package.

"House Republicans' obsessions with dismantling the Endangered Species Act is totally out of touch with the public's values," said Stephanie Kurose, an endangered species policy specialist at CBD.

Marjorie Mulhall, legislative director for lands, wildlife and oceans at Earthjustice, said a "divided House" will contemplate which ESA legislative path to follow.

"One in which we follow the will of the American people who overwhelmingly support protecting imperiled wildlife facing extinction, and the other in which we do the bidding of extractive industries like oil and gas and push endangered species off the cliff," Mulhall said.

"The Trump administration put the first nail in the coffin for wildlife facing extinction, and now the Western Caucus is pulling out its hammer to try and finish the job," she said.

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EPA fails to ensure public notification of risks — IG

<https://www.eenews.net/greenwire/stories/1061169137/feed>

Corbin Hiar, E&E News reporter

Published: Wednesday, September 25, 2019



EPA's Office of Inspector General released a report on oversight of drinking water risks. Antonio Calero/Flickr

EPA's internal watchdog today slammed the agency for repeatedly overlooking when public water systems don't adequately inform their customers of drinking water violations that could put the public at risk.

There are nearly 147,000 public water systems in the United States, which provide year-round drinking water to some 308 million customers, according to Charles Sheehan, EPA's deputy inspector general. Between 2001 and 2017, the IG and his team found those water systems didn't properly notify their customers of dangerous drinking water violations an average of 6,000 times per year.

That's a serious problem, the watchdog concluded after a 20-month investigation.

"Public notice serves as a vital step in protecting customers by alerting them when drinking water is not safe or when other problems occurred with the management of their drinking water," the IG's report says.

EPA has delegated oversight of drinking water systems to 49 states, five territories and the Navajo Nation. But the agency is still responsible for checking their work and directly overseeing water operations in Wyoming, the District of Columbia and the non-Navajo portions of Indian Country.

The IG found that "EPA needs to improve its oversight of notice regulatory requirements."

Currently, regulators with delegated authority "do not consistently enforce public notice regulations for drinking water violations," the report says. Also, EPA's online national drinking water database, the Safe Drinking Water Information System, "lacks tools for tracking public notice requirements, which limits its use."

EPA even does a poor job of warning customers of dangerous water even when the agency hasn't delegated oversight to states or territories, the IG found.

EPA Region 8, which includes Wyoming and 27 tribes, doesn't record public notification violations or "maintain a comprehensive enforcement program." Regional drinking water staffers told the IG that, due to funding limitations, they "choose to focus on drinking water regulations that they assume directly impact human health, as opposed to public notice regulations."

The IG offered nine recommendations for the agency, including for it to update its out-of-date guidance for public notices and to overhaul its clunky drinking water database.

Three suggested fixes regarding oversight of regional administrators and database updates are unresolved "because the action official for these recommendations, the Deputy Administrator, did not respond to our draft report," the IG said.

EPA disputed the IG's decision to consider those recommendations unresolved.

The watchdog and his team "did not state that the proposed corrective actions are inadequate," an EPA spokesman said in an email. "Rather they objected to the signatories of the letter being the Assistant Administrators for EPA's Office of Water and Enforcement and Compliance Assurance, and as [the IG] noted resolution of this issue is under way."

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EPA Rejects Proposal To Scale Back Cleanup Plans For Portland Harbor

<https://www.opb.org/news/article/epa-portland-harbor-superfund-cleanup-scale-back/>

by **Cassandra Profita**

Four of the parties responsible for cleaning up the polluted Portland Harbor say new testing shows the Superfund cleanup plan should be scaled back.

But the U.S. Environmental Protection Agency disagrees.

Arkema Inc., Evraz Inc., Schnitzer Steel and The Marine Group have spent about \$12 million testing the river's water, sediment and fish for contamination over the past two years in cooperation with the EPA.

The idea was to provide an updated look at the extent of pollution along the 11-mile Superfund site to guide the next phase of the cleanup process, in which hundreds of parties that share responsibility for cleaning up the area hash out their own individual clean-up plans.

The Willamette River's Portland Harbor Superfund site runs north from the Broadway Bridge to Columbia Slough. It's highly contaminated with dozens of pollutants from more than a century of industrial use. The EPA has spent decades developing [a \\$1 billion cleanup plan](#).

As part of that plan, the four companies agreed to map the bottom of the river, collect hundreds of soil and water samples and test them for pollution, and track and test resident fish for contaminants.

These companies say their latest testing shows the river is much cleaner than it was in 2004 — the last time the area was comprehensively sampled. In [a report to the EPA](#), the group argues its findings support significant changes to the federal clean-up plan and major reductions in the amount of acreage that will need active cleanup.



More than a hundred parties share responsibility for cleaning up the highly polluted 10-mile stretch of the Willamette River known as the Portland Harbor Superfund Site.

Cassandra Profita/OPB/EarthFix

“The site has recovered significantly,” the report states. “Concentrations of contaminants of concern have significantly decreased in site sediment, surface water and fish tissue, greatly reducing the risks associated with the site.”

The EPA’s plan includes removing contamination in the river through dredging or covering it up by capping it with clean soil. But the companies say their test results support reducing the amount of dredging required by 75% and increasing the area left to recover naturally — without any active clean-up work — from 84% in the EPA’s existing plan to about 95%.

Documents show the new pollution testing found levels of the toxic industrial pollutants PCBs (polychlorinated biphenyls) have dropped by 52% across the Superfund site since 2004 while levels of PAHs (polycyclic aromatic hydrocarbons) dropped 79%.

The EPA ordered, approved and supervised the testing, and the agency says the results are acceptable. However, in a [memo](#) and [comments](#) responding to the group’s report, the EPA made it clear that it does not support the group’s conclusions about scaling back its cleanup plan.

“In general, the EPA does not agree that the data collected or the Pre-RD Group’s analysis support many of the conclusions presented,” Davis Zhen wrote in a Sept. 13 letter. “However, these new data sets ... will form the key underlying support for decision-making as remedial design work proceeds.”



Travis Williams, executive director of Willamette Riverkeeper, holds sand from the banks of the Willamette River in the Portland Harbor.

Travis Williams with the environmental group Willamette Riverkeeper said the EPA's existing plan already allows for a lot of natural recovery and only requires dredging and capping on 16% of the site.

"One of the things that group is trying to advocate for is doing even less cleanup of the river bottom," he said. "I think it's good [the] EPA is pushing back on that and saying, 'No we disagree with you.' For us and many others who have been working on this it's a pretty disappointing presentation by some of these companies."

EPA documents indicate the new pollution testing results will be used to update cleanup plans, but officials are still working to move the cleanup forward without delays. The agency has sent numerous letters to parties involved in the cleanup asking them to submit individual cleanup plans. So far, only a handful of parties have taken that step.

An industry representative familiar with the report from the four parties that did the recent pollution testing says the companies will eventually have to decide whether to challenge the EPA in court.

He spoke with OPB on the condition of anonymity to protect his client's position in the confidential allocation process, a closed-door proceeding where hundreds of companies are working out who is going to pay for how much of the cleanup.

"It makes sense to adjust the cleanup based on what the river looks like today," he said. "We volunteered to do this. We spent \$12 million and 18 months. We have a robust data set that shows the river getting cleaner. The EPA approved the research and won't use the data."

He said dozens of other parties are ready to move forward with their cleanups using the new data, and they're hoping the Trump administration will reconsider the agency's position.

"It's just a shame that we've wasted all this time and effort to compile the most comprehensive view of the river in more than a decade and EPA staff don't want to use that information to tailor the scope and size of the cleanup," he said. "At a time when the administration is reversing all the major Obama-era EPA decisions from greenhouse gas requirements to wetlands regulations, to double down on backing the last-minute Obama administration cleanup decision on Portland Harbor makes no sense."

EPA officials declined to speak on the record with OPB about the new pollution testing. But in [detailed comments](#) written in response to the companies' report on the testing results, the agency suggests that the group draws conclusions that challenge key underpinnings of the 2017 cleanup plan for the site, including studies that took decades to complete and would likely take many more years to revise.

A representative of another party involved in the allocation process said a lot of companies are ready to be done paying for the ongoing expenses involved in the cleanup. He declined to be named because the allocation process is confidential, but he said dozens of parties are weighing whether or not they should move forward with their plans or hold off because of the new pollution testing results.

He said some parties are at risk of running out of insurance money and declaring bankruptcy before the cleanup is through.

"There are a lot of companies paying for environmental consultants, government relations consultants, public relations consultants - it's extraordinarily expensive - and it's not something most companies want to have on their books long-term," he said. "For our company, we'd like to move forward, pay our fair share of the cleanup and return the river back to the people of Portland."

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